

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

DEAVEN TUCKER

v.

CA 07-406 ML

A.T. WALL, et al.

MEMORANDUM AND ORDER

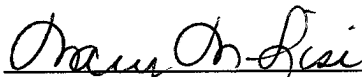
This matter is before the Court on Plaintiff's objections to three Reports and Recommendation issued by Magistrate Judge Hagopian (docket #'s 53, 54, 55). This Court has reviewed Plaintiff's objections which consist primarily of a rehash of arguments made in response to the motions addressed by the Magistrate Judge in the Reports and Recommendations. The Court finds no merit in Plaintiff's objections. Moreover, this Court has reviewed *de novo* the Reports and Recommendations and finds that the Magistrate Judge's factual determinations are fully supported by the record and his application of the law to those facts is consistent with both statutory and case law precedent. Accordingly, the Court adopts the Reports and Recommendations in their entirety.

It is hereby ordered that:

1. Defendants' Motion for Summary Judgment (docket #23) is GRANTED;
2. Defendants Rose and Catlow are dismissed as defendants in this case;
3. Defendants' Motion to Dismiss (docket #22) is GRANTED with respect to the following claims:
  - a. Fourteenth Amendment claims regarding transfers and false bookings;

- b. Eighth Amendment claims regarding conditions of confinement and excessive force;
  - c. First and Fourteenth Amendment claims regarding access to courts, loss of mail, denial of mail access, and mail monitoring beginning December 2006; and,
  - d. Fourteenth Amendment claims regarding Plaintiff's right to marry.
4. Defendant's Motion to Dismiss is DENIED with respect to the following claims:
- a. Fourteenth Amendment claims against Defendant Gadsden regarding conditions of Plaintiff's confinement as a pretrial detainee; and,
  - b. First and Fourteenth Amendment claims against Defendants Melino, Alves, and Ashton regarding retaliation for Plaintiff's legal filings.
5. The Motion to Dismiss filed by Defendants Wall, Weeden, Vitale, Catlow, Rose, Bourgonis, Cabral, Forgue, and Lepizzera is GRANTED;
6. The claims against Defendants Cutworth, Mokler, Amaral, Lombardi, and Morretti are DISMISSED pursuant to 28 U.S.C. § 1915A; and,
7. The claims against Defendants Ashton and Alves are DISMISSED pursuant to Fed. R. Civ. P. 4(m).

SO ORDERED:



Mary M. Lisi  
Chief United States District Judge  
January 27, 2010